

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:10-CV-271-GCM

SOUTHERN REGION INDUSTRIAL )  
REALTY, INC., and NORFOLK )  
SOUTHERN RAILWAY COMPANY, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
MICHAEL DEAN ROBERTS, and wife, )  
APRIL DAWN ROBERTS, and EARL )  
ROBERTS and wife, JACKIE ROBERTS )  
a/k/a JACKSIE ROBERTS, )  
 )  
Defendants. )  
\_\_\_\_\_ )

ORDER

This matter is before the Court upon the memorandum and recommendation of United States Magistrate Dennis L. Howell, filed May 10, 2011. The parties were advised that pursuant to 28 U.S.C. § 636(b)(1)(C), written objections to the memorandum and recommendation must be filed within 14 days after service of the memorandum. Defendants timely filed an objection, and Plaintiffs timely filed a response.

After an independent and thorough review of the magistrate's memorandum, Defendants' objections thereto, and Plaintiffs' responses to the objections, the Court concludes that the recommendation to grant in part and deny in part the Defendants' Motion to Dismiss is correct and in accordance with law. Accordingly, the findings and conclusions of the magistrate are accepted, and Defendants' Motion to Dismiss is GRANTED in part and DENIED in part as more fully described in the magistrate judge's memorandum and recommendation

IT IS THEREFORE ORDERED that the memorandum and recommendation of the  
magistrate is hereby AFFIRMED.

Signed: June 16, 2011

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
United States District Judge

